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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hiroshi Nagai et al.

Serial No.: 10/528,224

: Examiner: N/A

Filed: March 18, 2005

: Group Art: N/A

For: Functional Foods/Drinks Containing
Antiallergic Component

:

INFORMATION DISCLOSURE STATEMENT AND PETITION FOR
CONSIDERATION UNDER 37 CFR § 1.97

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO 1449B. Enclosed is a copy of the reference, an English translation describing the relevance of the cited reference along with a translation of an Office Action issued in the corresponding Chinese Application citing the reference.

This information is being submitted subsequent to filing and before the mailing of a first office action. Accordingly, pursuant to 37 CFR § 1.97(d), the undersigned submits that no fee is presently due. The listed documents were cited in an Office Action issued in a correspond in Chinese Patent Application.

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Petition under 37 CFR § 1.97(d)

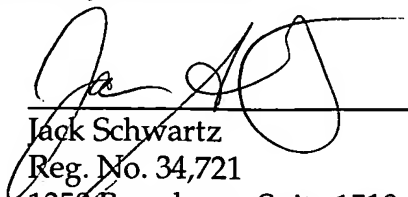
The undersigned hereby petitions that the Examiner consider the information cited in this Statement. As this petition is filed after filing of the application and before mailing of a first office action it is respectfully submitted that no fee is due. However, if a fee is due please charge the fee to Patent and Trademark Office Deposit Account No. 50-2828.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449B be returned indicating that such information has been considered.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

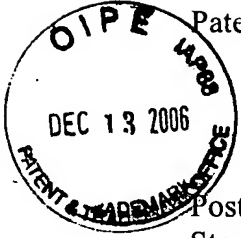
Respectfully submitted,

By:



Jack Schwartz
Reg. No. 34,721
1350 Broadway, Suite 1510
New York, NY 10018
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Dated: December 8, 2006



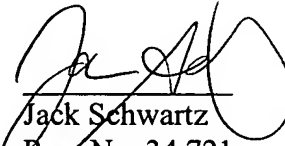
Patent Application No.: 10/528,224

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Mail Stop Amendment, Commissioners for Patent, P.O. Box 1450, Alexandria, VA 22313-1450 on:

December 8, 2006

Date



Jack Schwartz
Reg. No. 34,721



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Substitute for form 1449B/PTO

(Use as many sheets as necessary)

Sheet

1

of

1

Complete if Known

Application Number

10/528,224

Filing Date

March 18, 2005

First Named Inventor

Hiroshi Nagai et al

Art Unit

N/A

Examiner Name

N/A

Attorney Docket Number

1083-7

NON PATENT LITERATURE DOCUMENTS

Examiner
Initials*Cite
No.¹

Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

 T^2

Chinese food Industry, "Trend of canned and bottled green tea", Hongjia CHEN
Oct. 2000, No. 10, Page 49

**Examiner
Signature**

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.